

UNITED STATES OF AMERICA)
) Case No. 4:12-cr-026-TRM-CHS-01
v.)
)
CHRISTOPHER JOHN BIRMAN)

CHRISTOPHER JOHN BIRMAN, (“Defendant”) appeared for a hearing on July 19, 2021, in accordance with Rules 5 and 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant for an Offender Under Supervision (“Petition”) in the above matter.

Defendant was placed under oath and informed of his constitutional rights. It was previously determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel and Presita West with Federal Defender Services of Eastern Tennessee was appointed to represent Defendant [Doc. 29]. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Defendant be detained without bail pending his revocation hearing before U.S. District Judge McDonough. Defendant waived his right to a preliminary hearing, and requested a detention hearing, which was held July 19, 2021. During the detention hearing both parties presented their respective evidence, proffers, and/or arguments, which were fully considered by the Court. The Court makes the following findings:

(1) Based upon the Petition and waiver of preliminary hearing, the Court finds there is probable cause to believe Defendant has committed violations of his condition of supervised release as alleged in the Petition.

(2) Also as addressed in detail during the detention hearing, and pursuant to Fed. R. Crim. P. 32.1(a)(6), the Court further finds Defendant has not carried his burden to establish by clear and convincing evidence that he will not fail to appear and not pose a danger to any other person or to the community if released.

Accordingly, it is **ORDERED** that:

(1) Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge McDonough a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision.

(2) In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision, they shall request a hearing before U.S. District Judge McDonough.

(3) The Government's motion that Defendant be **DETAINED WITHOUT BAIL** pending further order from this Court is **GRANTED**.

SO ORDERED.

ENTER.

s/ *Susan K. Lee*

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE